



SPECIAL MEETING

Ottawa Police Services Board

Minutes 56

Thursday, 24 February 2022, 9:00 AM

Via Zoom

Krista Ferraro, Executive Director

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Board Members:

Members: Councillor E. El-Chantiry, B. Johnson, Councillor J. Leiper, D. Nirman, R. Swaita, S. Valiquet

CONFIRMATION OF AGENDA

That the Ottawa Police Services Board confirm the agenda of the 24 February 2022 meeting.

CONFIRMED

DECLARATIONS OF INTEREST

There were no declarations of interest.

ITEMS OF BUSINESS

1. UPDATE ON POLICE OPERATIONS TO REMOVE UNLAWFUL PROTESTS

Chief's verbal

The Ottawa Police Service provided a presentation regarding the police operations still underway to remove the unlawful protests from Ottawa. Following the presentation, a motion on an after-action report was presented.

The Board then had the opportunity to raise their questions to the Service and would later consider the motion.

The Service indicated that the federally enacted Emergencies Act had been significant to their abilities to remove the demonstrators. The support received from all three levels of government and the private injunction was critical to the Service's success. The Service was initially concerned that the Emergencies Act had been rescinded, however they had since determined that they would be able to manage the situation in partnership with the OPP and RCMP nonetheless. The financial consequences enabled under the Emergencies Act had been significant, as the Service was able to freeze bank accounts and leveraged the threat of doing so to encourage demonstrators to leave. Financial investigations were ongoing.

The Service continued to manage unlawful activities within the perimeter and were leveraging the Highway Traffic Act to manage vehicular traffic.

A question was raised regarding the OPS' discharge of the ARWEN weapon. The Service explained that an ARWEN is an extended range baton that shoots out a projectile, and when discharged the projectile's force is comparable to being hit by

a baseball. It is used to deter aggressive behaviour.

A tweet suggesting that the OPS had in at least one instance cancelled an operation due to details being leaked to demonstrators was referenced. The Service advised the Board that they would not be discussing operational details during the meeting, however offered their complete cooperation in engaging in a fulsome review. The OPS had undertaken internal reviews of member conduct, and I/Chief Bell advised that there would not be any complicity allowed in their members.

A question was raised regarding the roles of the RCMP and the OPP. The Service explained that the integrated command centre approach was led by the OPS, however included commanders from the RCMP and OPP as well. The command centre operated 24 hours a day and had three tiers, referred to as gold, silver, and bronze. Decisions were made collaboratively at the silver level, and information was shared with designated officers through the ranks as needed. The integrated command was still in effect and would remain so until the streets of Ottawa were fully restored.

A question was raised regarding expected reimbursement from the federal government. Chief Administrative Officer Blair Dunker indicated that discussions were underway, and she was optimistic that the Service would be supported in seeking reimbursement for costs associated with the demonstration. The Service continued to receive invoices daily, primarily for policing salary costs from other agencies. The Service estimated approximately \$31 million in policing costs had been incurred to date, and City of Ottawa costs would need to be added. It was clarified that the OPS operation was still underway, and although costs were being closely tracked, they would continue to increase until the operation was complete. The Service advised that they would report full costs once known.

Discussion ensued with regards to the national scope of the anti-Covid-19 mandate demonstrations. Protests in Winnipeg, in Western Canada, at border crossings, in Toronto and Quebec, as well as on the Ambassador Bridge were noted. The OPS worked in conjunction with their intelligence and policing partners to watch and identify where policing resources were required. A point was raised regarding the scope of scale of the demonstration in Ottawa, as it was the largest in terms of area, had the most equipment, and was therefore the most complex.

Although the OPS had not been fully canvassed by their American partners regarding the demonstrations, an OPS incident commander had received a call from the Capitol Hill police. The OPS indicated being willing to provide their

perspectives and support to their American partners. The OPS had partnered with the Canadian Border Services Agency.

A question was raised regarding the perception of a double standard held by some community members in terms of police management of protests. The traumatic impacts of the demonstration were noted, and it was suggested that community members across the city from Carp to Cumberland were negatively affected, however those feelings were most pronounced among BIPOC community members. The Service was engaged in conversations with the Community Equity Council and other community leaders to begin unpacking those concerns. The need for community healing was referenced. The perception of there being a double standard was acknowledged, and the Service indicated that they would work very hard to understand how to repair that trust.

A question was raised regarding whether there might be a role for a mounted unit within the OPS. The Service advised that there had been discussions regarding the integration of a mounted unit for several years. Mounted units are expensive, and the Service would need to conduct a thorough cost-benefit analysis and determine how the unit would be used within Ottawa.

The Board then invited members of City Council to ask their questions.

COUNCIL DELEGATIONS

1. Councillor Hubley

- A question was raised regarding staffing resources. The Service indicated that they had integrated with the OPP from the offset, and they knew they required additional partners early on. The dates and times that requests were made for additional resources would be considered in subsequent reviews.
- A question was raised regarding the availability of tow trucks. The Service indicated that they did not anticipate any issues with access to tow trucks going forward despite the Emergencies Act having been rescinded, and that whether the Emergencies Act had been required to mobilize the number of tow trucks that were used would be explored in the federal inquiry.
- A question was raised regarding whether Chair El-Chantiry's motion for a review would consider the former Board's role in the handling of the demonstrations. Chair El-Chantiry indicated that the former Board's role would be considered, however the terms of reference had not yet been determined. More information would be available by the Board's March meeting.

2. Councillor Curry

- Concern was expressed that during the demonstrations, City Council was often receiving more up-to-date information through social media rather than through the Board or Service. A point was raised that the Board had been supposed to undertake a governance review in 2020. Board Executive Director Krista Ferraro explained that the Board did not conduct a governance review in 2020, but an activity, training and performance report is shared with City Council annually. The 2021 report had been delayed due to the ongoing state of emergency. Ms. Ferraro also noted that the Board typically undertakes a review of its performance with external assistance, however whether that would occur within the current workplan or the next would be a Board decision.

3. Councillor Kavanagh

- Praise was offered to the Service for having removed the demonstrators with limited use of force.
- Concern was expressed regarding the view of some community members that Black Lives Matter protests and/or Indigenous lead protests would have been handled differently. A suggestion was made that the Service have community meetings related to protests. The Service indicated that they had begun that process, and were working to engage community members to discuss protest management. The need to hear and understand the thoughts, feelings, and perceptions of racialized, indigenous, and faith-based communities was noted.
- A question was raised with regards to the perimeter which remained around Parliament Hill, and whether community members would be allowed to go protest for reasons aside from the Freedom Convoy, such as in support of Ukraine. The Service advised that they supported lawful protests and would continue to allow lawful protesting.
- A question was raised regarding intelligence gathering. The Service indicated that the gathering, dissemination, and use of intelligence would all be areas that would be considered in reviewing the demonstration.
- Praise was offered for the Service's communications efforts while their operation was underway.

4. Councillor McKenney

- A motion passed at City Council's February 23 meeting which would direct Council to work with federal partners in order to transition a stretch of Wellington Street over to RCMP authority was referenced. Budget considerations required were noted. The need for dialogues with the federal government to ensure Ottawa is not bearing an undue financial burden for being the capital was raised.
- A point was raised regarding the demonstration's effect on Centretown residents, where the community is diverse. It was suggested that residents needed a response from Ottawa Public Health and community partners more so than a response from police.
- Concern was expressed regarding reports of OPS members having been identified as donors to the Freedom Convoy even after it had been declared illegal. The Service advised that investigations were underway, and there was no room in the OPS for supporters of the illegal demonstrations.
- A point was raised regarding an inquiry having been submit at a special Council meeting held February 7. The inquiry requested a breakdown of various operational review options. The response received provided four possibilities, of which Chair El-Chantiry's motion called for the weakest review. It was suggested that the Solicitor General request OCPC conduct an investigation on OPS conduct and the approach taken to address the demonstration.

5. Councillor King

- A question was raised regarding resources assigned to prosecuting those involved in the illegal demonstrations going forward. The Service indicated that they had sufficient resources to appropriately complete their operation and engage in the necessary investigations. Specific skillsets would be required for investigations involving aspects of cybercrime and/or social media. The OPP and RCMP were committed to supporting the OPS.
- A question was raised regarding financial supports, and whether there would be reimbursement for costs associated with investigations that could be ongoing for an extended period. The Service indicated that they would track all investigative costs in the same way they had tracked costs associated with the demonstrations and intended to seek cost recovery.
- A question was raised regarding pockets of protestors that remained, some of which had been reported in the vicinity of schools, and there being harassing behaviour. The Service indicated

that activity around schools had been identified about a week and half prior, and the OPS continued to flag and investigate all complaints. The Service requested that the public ensure they were reporting all incidents to the OPS.

6. Councillor Brockington

- A question was raised regarding whether any members of provincial parliament were being investigated for encouraging the intentional overwhelming of 9-1-1 lines that had occurred in Ottawa, for encouraging people to storm Parliament Hill, and for encouraging people to disobey police orders. The Service was unable to provide specifics of ongoing and active criminal investigations, however information would be publicly provided if charges were laid.
- The Service further indicated that information demonstrating the encouraging of people to overwhelm the 9-1-1 system would trigger criminal investigations.
- A question was raised regarding whether Community Police Officers (CPOs) and Neighbourhood Resource Teams (NRTs) had been redeployed to their assigned areas of the city. The Service advised that they were making efforts to resume regular operation, which included the return of NRTs and CPOs, however they remained in the midst of an ongoing operation.
- Concern was expressed as there had been overnight crime sprees in the Councillor's ward.
- A question was raised whether advocacy for the reimbursement of costs related to the demonstrations was the responsibility of City Council or the responsibility of the OPS. It was clarified that there had been a high level of cooperation between the City and the Service, and that both the City and Service would advocate for reimbursement.

~~7. Councillor Deans~~

8. Councillor Menard

- Disappointment was expressed that the Board had not invited delegations to present at this special meeting given that their regular February meeting had been cancelled. Concern was noted that the key reason presented for not including delegations had been that there was a new Board in place, however the only member without

PSB experience was Councillor Leiper.

- It was suggested that the Board not rush to approve Chair El-Chantiry's motion.
- A question was raised regarding whether there had been direction to officers not to enforce basic laws during the early days of the demonstration. The Service indicated that that would be a component of subsequent operational reviews.

9. Councillor Egli

- Clarification was requested as to how trucks entered the downtown core. The former Chief had indicated that legal advice received suggested he could not put blockades in place. I/Chief Bell advised that their review would certainly consider that.

10. Councillor Kitts

- Praise was offered for the OPS' clear communication via social media once the operation was underway. Misinformation was combatted in real-time. A question was raised regarding whether that communications support would be leveraged going forward. The Service indicated intending to integrate communications in a similar way going forward. Past inquiries and inquests point to the failing of communications as a factor in poorer outcomes. Communications were embedded into the OPS' operation to ensure that false narratives could be countered, and timely information provided.

The Board then moved to discussing Chair El-Chantiry's motion. It was clarified that the motion simply directed the Board's Executive Director Krista Ferraro to bring a report forward to the March meeting that would outline a framework for an independent review in conjunction with City procurement.

A request for friendly amendments to Chair El-Chantiry's motion were raised. The following two elements were added as requirements within the terms of reference:

- Whether systemic issues within the OPS such as racism or anti-vaccination sentiment compromised the OPS' response; and
- How the OPS response to this crisis compares to crisis response to other demonstration in recent years.

The Chair approved the amendments, provided Legal Services did not see any

potential issues. Two further amendments were later requested, adding the words “internal and external” to accompany communications, and adding the words “to handle major events and crisis management” alongside Board role and responsibilities.

A question was raised regarding whether Chair El-Chantiry’s motion could be held until the March meeting to allow for the public’s input. A point was raised that in waiting until March, the after action report would simply take longer to produce. It was clarified that the terms of reference could be updated following input from the public at the Board’s March meeting, even if they proceeded in commencing the procurement process.

A further motion was then introduced requesting the OCPC investigate the OPS’ demonstration response. It was clarified that the OCPC does not take direction from the Board.

Motion on Request for OCPC Investigation Moved by Member Leiper

WHEREAS the police response to the occupation crisis has shaken public confidence in both the Ottawa Police Services Board and Ottawa Police Service; and,

WHEREAS the residents of Ottawa have raised questions in various forums about the independence of the Ottawa Police Services Board from the Ottawa Police Service and are seeking an independent review of the Service’s actions to answer questions about the operational decisions made during the crisis and the relationship of those to systemic issues within the OPS;

THEREFORE BE IT RESOLVED that the Ottawa Police Services Board request that the Ontario Civilian Police Commission investigate using its powers under section 25 of the Police Services Act the Ottawa Police Service’s senior leadership team’s response to the unlawful protests to determine whether systemic issues within the Service compromised that response and whether the response was as effective as possible.

CARRIED

Motion on After-Action Report Moved by Chair El-Chantiry

WHEREAS the unlawful protests that began on January 28, 2022, caused significant and undue hardships to residents and businesses in the

downtown core and across the City; and

WHEREAS there are many community concerns and questions about the initial police operation and responses; and

WHEREAS the response to remove the unlawful protests required significant support of police from across Canada; and

WHEREAS the police response also involved the assistance of the Federal, Provincial and Municipal levels of government; and

WHEREAS the Community, Ottawa City Council, the Ottawa Police Services Board and the Ottawa Police Service wish to learn from this crisis so that future responses can be more effective and timely;

THEREFORE BE IT RESOLVED that the Board direct the Executive Director of the Board to work with the City of Ottawa's Procurement Office to identify an independent reviewer who is able to assess the overall response, including but not limited to;

- Incident Command Structure
- Community Engagement
- Board role and responsibilities to handle major events and crisis management
- Intelligence gathering and analysis
- Operational approaches
- Frameworks for planning
- Communications, internal and external
- Operational readiness
- Partnerships with police, law enforcement, intelligence agencies and emergency services
- Resources and resource management, and
- enforcement strategies.
- Whether systemic issues within the OPS such as racism or anti-vaccination sentiment compromised the OPS response
- How the OPS response to this crisis compares to response to other demonstrations in recent years.

THEREFORE BE IT FURTHER RESOLVED that the Executive Director bring forward a report to the Board for approval of the Independent Reviewer and framework of the review, including cooperation with other ongoing reviews, to the March meeting of the Board and that the review be completed no later than 120 days after the approval of this contract.

CARRIED as amended

That the Ottawa Police Services Board receive this item for information.

RECEIVED

IN CAMERA ITEMS

Please note that the in camera meeting will be held prior to the public meeting and the following items will be discussed:

1. Labour Relations Matter
2. Labour Relations Matter
3. Personnel Matter

ADJOURNMENT

The meeting adjourned at 11:16 a.m.

NEXT MEETING

Regular Meeting - Monday, 28 March 2022, 4:00 PM